

AMENDED IN SENATE JULY 2, 2007
AMENDED IN ASSEMBLY MARCH 29, 2007
CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 1058

Introduced by Assembly Members Laird and Lieu

February 23, 2007

An act to add ~~Part 5.5 (commencing with Section 71450) to Division 34 of the Public Resources Chapter 4.7 (commencing with Section 18944.43) to Part 2.5 of Division 13 of the Health and Safety Code,~~ relating to environmental protection.

LEGISLATIVE COUNSEL'S DIGEST

AB 1058, as amended, Laird. Green building construction: best practices.

Existing law sets forth various requirements for energy and design efficiency in the construction and renovation of state buildings.

This bill would require the California Environmental Protection Agency, by July 1, 2009, in conjunction with a specified working group of certain state entities that it would coordinate, and, in consultation with specified public and private sector organizations, to develop, adopt, and make available a set of voluntary ~~green building “best practices”~~ *best practices* for residential home construction that include measures regarding energy, water, materials, and resources efficiency, indoor environmental quality, innovation and design process, nonmotorized transportation, and a method for determining life-cycle cost. The agency, and other specified entities, in developing and adopting the best practices, would be required to consider certain aspects of existing relevant guidelines. ~~Concurrent with the development of the best~~

~~practices, specified state entities would be required to determine appropriate minimum standards for the above measures. The agency would be required to develop a comprehensive set of minimum standards for sustainable homes and would be authorized to prioritize competing aspects of sustainability to ensure a balanced home in all aspects of a sustainable and environmentally sound home.~~

The bill would require the agency to develop an education program to inform local entities of the benefits of green building, and to encourage the use of the best practices.

The bill would require the agency, beginning July 1, 2011, to conduct a public review to determine the level of use and the effectiveness of the best practices ~~and minimum standards~~ in a representative sampling of home construction. The agency would be authorized to amend the best practices ~~and minimum standards~~, as deemed necessary, based on this review.

The bill would require the agency, on or before July 1, 2012, to *reconvene the working group to develop a comprehensive set of proposed building standards for green buildings and to submit the revised minimum set of standards* to the California Building Standards Commission for adoption by that commission in the California Building Standards Code. The commission ~~would be prohibited from reducing the minimum standards proposed by the agency but would be authorized to revise those standards. New homes that are constructed on or after July 1, 2013, would be required to meet the minimum standards that are adopted by the California Building Standards Commission as long as the modifications do not reduce the environmental benefits or efficiencies that would be achieved by the proposed standards.~~ If the commission fails to adopt standards for sustainable and environmentally sound homes on or before July 1, 2013 *proposed by the agency*, all ~~new home construction~~ *residential occupancies for which a project application is deemed complete by a local government on or after July 1, 2013*, would be required to comply with the ~~revised standards proposed by the agency until the commission adopts specified standards for sustainable and environmentally sound homes proposed by the agency.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Chapter 4.7 (commencing with Section 18944.43)*
2 *is added to Part 2.5 of Division 13 of the Health and Safety Code,*
3 *to read:*

4
5 *CHAPTER 4.7. GREEN BUILDING STANDARDS*
6

7 *18944.43. The Legislature finds and declares all of the*
8 *following:*

9 *(a) In 2006, the state had approximately 13 million existing*
10 *housing units, and in 2003, construction investment in the state*
11 *for new residential housing totaled thirty-four billion dollars*
12 *(\$34,000,000,000).*

13 *(b) The building of a 2,000 square foot home generates three*
14 *to five tons of construction waste. Cumulatively, California*
15 *residences use approximately 5.6 million acre-feet of applied water*
16 *annually, and the residential sector accounts for roughly 31 percent*
17 *of the electricity consumed in the state.*

18 *(c) The state is committed to providing leadership on energy,*
19 *environmental, and public health issues by implementing innovative*
20 *and resource-efficient building design practices and other*
21 *programs that improve the lives of the state's 34.5 million*
22 *residents.*

23 *(d) Green building practices utilize energy, water, and materials*
24 *efficiently throughout the building life cycle, enhance indoor air*
25 *quality, incorporate environmentally preferable products, and*
26 *protect the building occupants' health.*

27 *(e) The widespread implementation of green building standards*
28 *would result in significant long-term benefits to the state's*
29 *environment, including reduction in the demand for energy, water,*
30 *and waste stream services, and the fiscal and environmental*
31 *impacts resulting from the expansion of these infrastructures.*

32 *18944.43.1. It is the intent of the Legislature, in enacting this*
33 *chapter, to recognize that no one set of existing green building*
34 *practices may encompass the state's unique economic and natural*
35 *resources-related environment. It is further the intent of the*
36 *Legislature to ensure that the building standards and best practices*
37 *adopted pursuant to this chapter recognize California's leadership*

1 *in environmental sustainability practices and include the most*
2 *rigorous measures and methods possible.*

3 *18944.43.2. For purposes of this chapter, the following*
4 *definitions apply:*

5 (a) “Agency” means the California Environmental Protection
6 Agency.

7 (b) “Best practices” means green building best practices for
8 residential home construction that include, but are not limited to,
9 all of the following:

10 (1) Energy efficiency, conservation, or renewable generation
11 measures.

12 (2) Water efficiency, conservation, and reuse measures.

13 (3) Materials and resources efficiency, conservation, and reuse
14 measures.

15 (4) Indoor environmental quality measures, including indoor
16 air quality.

17 (5) Innovation and design processes.

18 (6) Nonmotorized transportation.

19 (7) A method for determining life-cycle cost, including
20 evaluating the relative effectiveness, cost, and life-cycle savings,
21 if any, by the use of the individual or multiple green building
22 measures specified in paragraphs (1) to (6), inclusive.

23 (c) “Green building” means a project designed to reduce both
24 direct and indirect environmental consequences associated with
25 its construction, use, operation, maintenance, and eventual
26 decommissioning, the design of which is evaluated for cost,
27 quality-of-life impacts, future flexibility, ease of maintenance,
28 energy and resource efficiency, and overall environmental impact,
29 with an emphasis on life-cycle cost analysis.

30 *18944.43.3. (a) On or before July 1, 2009, the agency, with*
31 *the working group that it coordinates pursuant to subdivision (b),*
32 *shall develop, adopt, and make available, a set of voluntary best*
33 *practices.*

34 (b) (1) To develop the voluntary best practices pursuant to this
35 part, the agency shall coordinate a working group consisting of
36 a multiagency effort, including, but not limited to, all of the
37 following state entities:

38 (A) The California Integrated Waste Management Board.

39 (B) The State Energy Resources Conservation and Development
40 Commission.

- 1 (C) *The State Air Resources Board.*
- 2 (D) *The Department of Water Resources.*
- 3 (E) *The Department of Housing and Community Development.*
- 4 (F) *The Department of General Services.*
- 5 (G) *The California Building Standards Commission.*

6 (2) *The agency and each state entity specified in paragraph (1)*
7 *shall also consult with representatives from each of the following:*

- 8 (A) *The building construction industry.*
- 9 (B) *Recognized environmental advocacy groups.*
- 10 (C) *Interested local government entities.*
- 11 (D) *Interested public parties.*

12 (c) *Each state entity specified in paragraph (1) of subdivision*
13 *(b) shall take the lead in developing the best practices related to*
14 *its particular area of expertise. The agency shall be responsible*
15 *for coordinating the integration of the separate aspects provided*
16 *by each state entity into the best practices.*

17 (d) (1) *Following the agency's coordination efforts, and prior*
18 *to final adoption of the best practices, the California Building*
19 *Standards Commission shall review all aspects of the best practices*
20 *to ensure that nothing falls below or conflicts with the standards*
21 *required in the California Building Standards Code (Title 24 of*
22 *the California Code of Regulations).*

23 (2) *If the California Building Standards Commission identifies*
24 *conflicts with the California Building Standards Code, the agency*
25 *shall revise its best practices to be in conformance with the*
26 *California Building Standards Code.*

27 (3) *Each state entity specified in paragraph (1) of subdivision*
28 *(b) shall provide to the California Building Standards Commission*
29 *and the agency an analysis of its proposed best practices that*
30 *include all of the following:*

- 31 (A) *Potential overlap with other agencies' jurisdiction.*
- 32 (B) *Assurance that all aspects exceed existing standards in the*
33 *California Building Standards Code.*
- 34 (C) *Justification of the best practices developed pursuant to this*
35 *section.*

36 (e) *In developing and adopting the voluntary best practices*
37 *pursuant to this chapter, all entities involved shall consider those*
38 *aspects of existing relevant guidelines that maximize the benefits*
39 *described in subdivision (b) of Section 18944.43.2. These existing*

1 relevant guidelines shall include, but are not limited to, all of the
2 following:

3 (1) *The United States Green Building Council's Leadership in*
4 *Energy and Environmental Design (LEED) for homes rating*
5 *system.*

6 (2) *The 2005 Build It Green "New Home Construction Green*
7 *Building Guidelines."*

8 (3) *The EarthCraft House program of Atlanta, Georgia.*

9 (4) *The Built Green Program of the Seattle Master Builders.*

10 (5) *The Model Green Home Building Guidelines of the National*
11 *Association of Home Builders (NAHB).*

12 (f) *The agency shall develop an education program to inform*
13 *local entities of the benefits of green building, and encourage the*
14 *use of the best practices for residential occupancies. The education*
15 *program shall include information on how to best utilize the best*
16 *practices for new construction as well as existing homes.*

17 18944.43.4. (a) *Beginning July 1, 2011, the agency shall*
18 *conduct a public review of the best practices developed pursuant*
19 *to Section 18944.43.3 with representatives from the state entities*
20 *set forth in paragraph (1) of subdivision (b) of Section 18944.43.3*
21 *and from the residential construction industry to determine the*
22 *level of use and effectiveness of the best practices in a*
23 *representative sampling of residential construction. The agency*
24 *may amend the best practices, as deemed necessary, based on the*
25 *review.*

26 (b) *The agency shall reconvene the working group prescribed*
27 *in subdivision (b) of Section 18944.43.3 to develop proposed*
28 *building standards for green building. Each state entity specified*
29 *in paragraph (1) of subdivision (b) of Section 18944.43.3 shall*
30 *develop proposed building standards related to its area of*
31 *expertise. The agency shall be responsible for coordinating the*
32 *proposed building standards and submitting a comprehensive set*
33 *of proposed building standards to the California Building*
34 *Standards Commission on or before July 1, 2012, for adoption by*
35 *that commission in the California Building Standards Code (Title*
36 *24 of the California Code of Regulations) pursuant to the State*
37 *Building Standards Law (Part 2.5 (commencing with Section*
38 *18901) of Division 13 of the Health and Safety Code). The*
39 *California Building Standards Commission may modify the*
40 *proposed building standards as long as the modifications do not*

1 *reduce the environmental benefits or efficiencies that would have*
2 *been achieved by the proposed standards.*

3 *(c) If the California Building Standards Commission rejects the*
4 *proposed building standards for green buildings submitted by the*
5 *agency pursuant to subdivision (b), then all residential occupancies*
6 *for which a project application is deemed complete by the local*
7 *government on or after July 1, 2013, shall comply with the building*
8 *standards proposed by the agency pursuant to subdivision (b) until*
9 *the date that agency-proposed building standards adopted by the*
10 *California Building Standards Commission take effect.*

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12
13 **All matter omitted in this version of the bill**
14 **appears in the bill as amended in Assembly,**
15 **March 29, 2007 (JR11)**
16